IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Crl. R. No. 19 of 2002
Date of decision: 07.09.2010

Harminder Singh … Petitioner

versus

State of Punjab … Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND KUMAR

Present: Mr. Sunil Chadha, Advocate,
for the petitioner

Mr. B.S.Sra, Addl. AG Punjab

…

ARVIND KUMAR, J:

The petitioner was tried by the Court of Judicial Magistrate Ist Class, Ludhiana, under Sections 279/337/338/304-A/427 IPC on the allegation that on 27.10.1997, he while driving a bus belonging to the Punjab Roadways, in a rash and negligent manner, hit the scooter driven by Surinder Kumar on which Mohan Lal and Usha Rani were pillion riders, as a result of which all the three persons sustained multiple injuries and later on, succumbed to the same.

On conclusion of trial, the learned trial Court held the petitioner-accused guilty under Section 279, 304-A IPC. For offence under Section 279 IPC, he was sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs.1000/- and in default of its payment, to undergo rigorous imprisonment for one month and for offence under Section 304-A IPC he was sentenced to undergo RI for two years and to pay fine of Rs.2000/- and in default of payment of fine to further undergo RI for further 1½ month. Both the sentences were ordered to run concurrently. On appeal, the lower appellate Court upheld the judgment of the trial Court. Hence, the present revision.

I have heard the learned counsel for the parties.

Counsel for the petitioner has contended that the petitioner is facing the agony of protracted trial for the last about

13 years. It is stated that the petitioner has already undergone sentence for about two months. Counsel has pointed out that it was a solitary accident and there is nothing to suggest that the petitioner is a previous convict or repeated the offence after having been released on bail and has thus, prayed that his sentence be reduced.

Undisputedly, the present petitioner is facing the agony of protracted trial/appeal for the last about 13 years and there is nothing to suggest of his repeating the offence. He has already undergone sentence of about two months. Thus, the ends of justice would be sufficiently met if the sentence upon the petitioner under Section 304-A IPC is reduced from two years to six months. It is ordered accordingly. As regards the sentence awarded under Sections 279 IPC and the fine so imposed, the same stand maintained.

With the above modification in the sentence, the instant revision stands disposed of.

September 07, 2010 (ARVIND KUMAR)
JS JUDGE